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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/810,184

03/29/2004

Lynn A. Buckner

7977

7590  
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04/03/2008

EXAMINER

BEATCH, THOMAS A

ART UNIT

PAPER NUMBER

3671

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/810,184

**Applicant(s)**

BUCKNER, LYNN A.

**Examiner**

THOMAS A. BEACH

**Art Unit**

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-25, 29 and 33 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 16-23 is/are rejected.  
7) ☒ Claim(s) 24, 25, 29 and 33 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Young 3,512,206. Young shows compact mobile vacuum excavation, and surface cleaning method comprising the steps of: providing a vacuum container, said vacuum container having a length and width, and having a vacuum producing means to create a vacuum within said vacuum container, providing a conduit to vacuum liquid or solid particles into said vacuum container (col. 11 & 12, lines 40+ and 1+), and said vacuum container being mounted at an inclined slope along said length of said container (figs 1, 4 & 8) and sufficient to allow said solids or liquid to be emptied from said vacuum container by gravity through an access door 5 to said vacuum container when said access door is opened along said width of said container, and further providing a liquid storage container 69, and said liquid storage container being mounted below said incline slope of said vacuum container (fig 1; claims 16 & 18).

As concerns claim 17, Young show the steps above in claims 16 and 18, and further providing a filter housing to house air filters 84, said filter housing being mounted adjacent to said vacuum container so as to allow a single door access to both said filter

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housing and said vacuum container, and said filter housing having a connecting conduit to flow air from said vacuum container to said filter housing and said filter housing having filters disposed within it to remove solids from said air (columns 9 & 10).

As concerns claim 19, Young shows said liquid storage container 69 comprises an additional step of having said storage container side walls add structurally support to said vacuum container (fig 1).

As concerns claim 20, Young shows said vacuum container and said water storage container further comprise the step of mounting a vacuum blower, an air filter, and an engine adjacent to said vacuum container (figures 1-12).

As concerns claim 21, Young shows the container comprise an additional step of mounting auxiliary equipment adjacent to said vacuum container and water storage container, and said auxiliary equipment is chosen from a list consisting of one or more of: a vacuum blower exhaust muffler, a vacuum pump, a power plant (74), a hydraulic reservoir, a hydraulic pump, a vacuum pump, an air filter, a water pump, a boom arm, a trailer, an engine, a hose reel, a jetter, a hydraulic connection for hydraulic tools, an air compressor, a generator, a process controller, a surface cleaning tool, a jack hammer, a concrete saw, a solids liquid separator, a water filter, a water heater, a water purifier, a water sterilizer, a vibrating screen, a liquid recycling system, a hydrocarbon absorption system, a solids dispensing system, an air conveyor, a screw conveyor, a cyclone, a liquid dispensing system, a vibrator, an excavation bucket, a torque wrench, a hydro-cyclone, a noise muffler, a goose neck trailer coupler, a skid steer, a zero turn radius vehicle, a rail road ear, a fork lift, a truck, a back hoe, a track loader, a barge, a powered

linear actuator or telescoping cylinder to open or close an access door to said vacuum container, a skid mounting base, and a fuel reservoir.

As concerns claim 22, Young shows said vacuum container and said water storage container further comprise the step of mounting an air filter housing adjacent to said vacuum container (2).

As concerns claim 23, Young shows telescoping means disposed within said vacuum container, and said telescoping means being chose from one or more devices selected from a group consisting of a hydraulic cylinder (7), an air cylinder and a linear actuator.

### ***Allowable Subject Matter***

3. Claims 24-25, 29 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach

/Thomas A Beach/  
Primary Examiner, Art Unit 3671

April 3, 2008

**THOMAS A. BEACH**  
**Primary Examiner**  
**Group 3600**